

Planning Commission Staff Report

June 25, 2014
Item 5.b.

SUBJECT: P14-0696

APPLICANT: John Pinelli/The Dealership

PROPERTY OWNERS: Earl and Barbara Adams

PURPOSE: Application for Conditional Use Permit to operate an online retail car dealership with limited on-site display as part of an existing retail car accessory business

GENERAL PLAN: Retail/Highway/Service Commercial/Business and Professional Offices

ZONING: Service-Commercial (C-S) District

LOCATION: 3657 Old Santa Rita Road, Suite C

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Project Plan and Applicant Narrative](#)
- C. [Location and Notification Maps](#)
- D. [Public Correspondence](#)

BACKGROUND

The existing business at this tenant space (Kar Tunz) has been operating from the subject site since November of 2005. The business currently sells retail car accessories, such as wheels/tires, various color wraps, stereos/electronics, custom body kits and related items. The applicant has requested to add retail online used car sales with limited on-site display to complement the existing retail car accessory shop business at the subject location. Auto sales are conditionally allowed uses in the C-S District, the zoning for the property. Accordingly, use permit approval by the Planning commission is required.

SITE DESCRIPTION

The subject property is located on the west side of Old Santa Rita Road. The site is bounded by Eaves Pleasanton Apartments to the south, automobile repair and service uses to the north, a self-storage facility and storage yards across Old Santa Rita Road to the east, and Tassajara Creek to the west. Figure 1 provides an aerial map of subject site and surrounding properties.

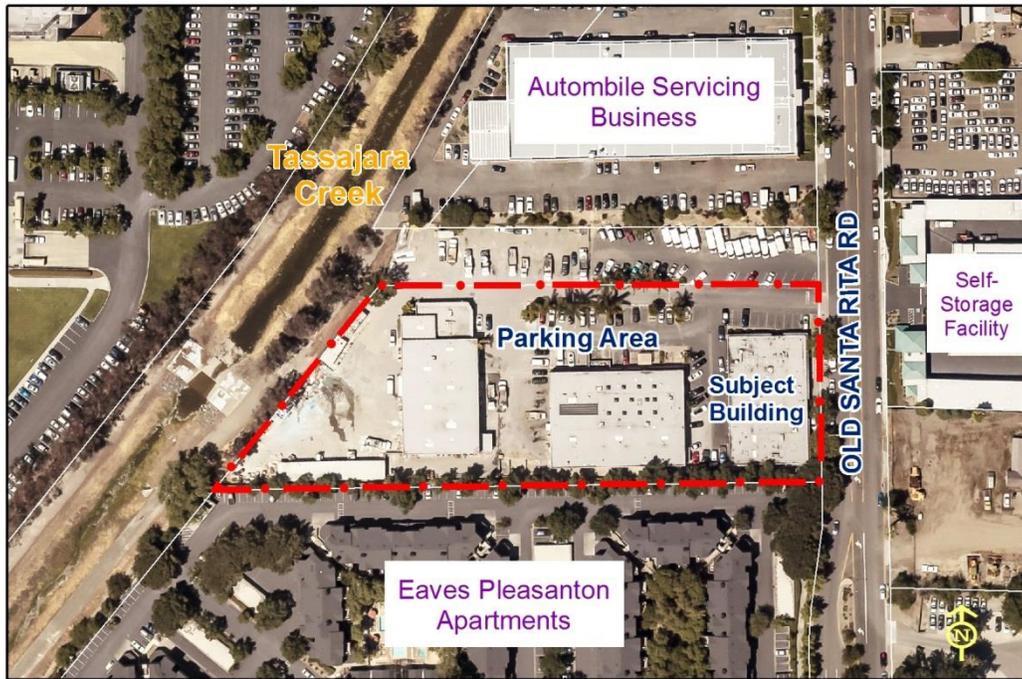


FIGURE 1: Aerial Map of Subject Site and Surrounding Properties

Figure 2 on the following page shows a photograph of the subject building. Other businesses within the same building include a restaurant, a U-Haul business and the car stereo installation, repair, accessories and detailing shop (where the proposed use would be co-located). A swimming pool contractor and plumbing service business are located in the building behind the subject building.



FIGURE 2: Photograph of front of building

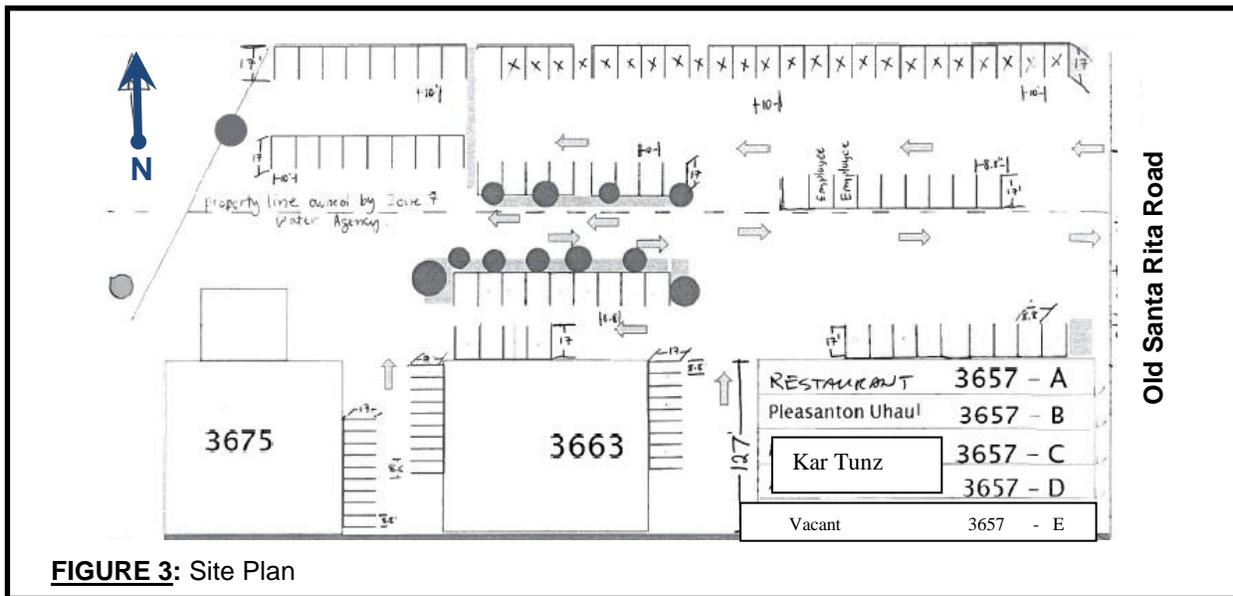
PROJECT DESCRIPTION

The applicant proposes to operate a retail online car dealership with on-site display to complement the existing retail car accessory shop business at the subject location. The operation of the business is described in the project narrative, attached to this report as Exhibit B. The administration of the business, including paper-work related to car accessories and used car sales, would be run from the office located in the business space (Tenant Space “C”) within the building at 3657 Old Santa Rita Road. The applicant proposes to co-locate within the other business operated from the subject tenant space, Kar Tunz, which provides car stereo installation and other accessories. These accessories currently sold include wheels/tires, various color wraps, stereos/electronics, custom body kits and related items. This proposed use would allow marketing to customers online, one to two 2 vehicles at a time, highlighting for customers what car accessories could look like on a vehicle. Customers would also have the opportunity to buy a used car with the accessories built to their specifications.

This Conditional Use Permit would allow for up to two vehicles at any one time to be displayed with the car accessories inside of the tenant space. The online use and any vehicle sales would operate within the guidelines set by the State Department of Motor Vehicles (DMV). The DMV requires that the two parking spaces for this use be specifically designated within the tenant space.

The business is proposed to operate by appointment only during normal business hours of 10 am to noon and 1 pm to 6 pm Monday through Friday.

The subject suite, Suite C, is approximately 4000 square feet, and as shown in Figures 3 and 4, is located at 3657 Old Santa Rita Road, the building closest to the street.



As shown in Figure 3, the parking spaces are perpendicular on the north and west sides of the building. The applicant would utilize the parking immediately north or west of the building. The applicant already parks there in conjunction with the existing business. Only 1 or 2 used vehicles would be on display inside the current tenant business space and as required for display by the Department of Motor Vehicles (DMV). Customers would also be able to see a car on display outside in a designated parking space upon request. It is anticipated that no more than 2 to 3 additional vehicles would visit the site to look at these vehicles.

ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

Land Use

One of the purposes in reviewing a conditional use permit application is to analyze the effect of the proposed use on surrounding land uses. Many of the other businesses surrounding and in vicinity of the subject site include automotive repair, self-storage facility, and warehousing. Automobile sales businesses and an automobile rental business are located further to the north of the subject site on Old Santa Road and Rosewood Drive. Thus the proposed online car accessory sales and the display of one to two vehicles within the existing business and its operation are compatible with the existing businesses on the site and in vicinity of the subject property.

Site Circulation and Parking

The on-site parking (as noted in Figure 3) is shared by all three buildings on the subject site. The applicant's narrative indicates that there would typically be only one employee who works during normal business hours. The specific hours for appointments would be between 10:00 a.m. to Noon and 1:00 pm to 6:00 p.m. Monday through Friday. There would be no appointments from 12 to 1 pm when the applicant is at lunch and no appointments on the weekend. There would be only one employee present for this business at any one time.

The subject site has 49 parking spaces. Based on Alameda County records, the total square footage of buildings on the subject property is 25,998 square feet, resulting in a parking ratio of one space for each 530 square feet. Since the entire subject tenant suite is approximately 4000 square feet, 8 spaces are "theoretically" allocated to the subject tenant space. However, there are no assigned parking spaces.

Pleasanton Municipal Code section 18.88.030(C) requires that commercial service enterprises which handle only bulky merchandise such as motor vehicles require one space for each 500 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.

Based on the 4,000 square foot tenant space, 8 parking spaces would be required. The "allocated" parking spaces meet the Pleasanton Municipal Code parking demand. As noted previously, vehicle storage and display for this proposed use is proposed to be primarily within the existing tenant space so it would not adversely impact on-site parking for other tenants.

Typically, a person wishing to purchase a used vehicle customized with the accessories will drive to the site or be accompanied by another person who will drive him/her to the site. If the purchaser of the used vehicle with the accessories added elects to purchase the used vehicle at that time they will then complete the necessary transactions and then drive that vehicle to the final destination. Since the person dropping off the purchaser is not expected to stay in the business space for an extended period of time, it is not expected to be a significant parking impact. The purchaser of a used vehicle with the desired accessories would need to complete any paperwork related to purchase of the vehicle (including any required DMV paperwork

which must be filled out on-site). As this is proposed to be by appointment only, the on-site vehicle would be parked within the tenant space. Any parking outside would be for brief vehicle inspections only upon request by the customer so the parking space demand will be limited. Additionally, only one employee is at the site at a given time. Therefore, staff finds that the off-street parking to be adequate for the proposed use. A condition of approval requires that any vehicles waiting to be purchased be parked within the business space primarily and not on the public street.

Noise

Since the proposed use of the tenant space consists of office activities, the operation of the business is not expected to generate noise audible beyond the boundaries of the suite. The driving and parking of one to two used vehicles to and from the site on occasion would be no louder than the noise generated by surrounding businesses, or by vehicles traveling to and from surrounding businesses. A condition of approval requires that the no servicing, cleaning, washing, or maintenance shall occur on the site.

The closest residential uses are the Eaves Pleasanton Apartments to the south of the site. However, since many of the surrounding businesses are commercial in nature and the subject use does not have any operations that would create or cause loud noise, the potential impact to residences regarding noise is expected to be minimal. One neighbor on Andrews Drive has expressed some noise, parking and related concerns about car dealerships as noted in the Public Notice section of this report. Staff has reviewed these concerns with the applicant and believes that they have been addressed as noted below.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of the project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time this report was prepared, staff has received one email on June 17 with comments and concerns from a neighbor on Andrews Drive to the south of this proposal. This is attached to the Planning Commission report. The neighbor noted concerns with car dealerships including revving of engines and speeding on Andrews Drive. She also noted concerns about cars being parked illegally on Old Santa Rita Road and Rosewood Drive making right turns from Old Santa Rita Road onto Rosewood Drive not safe. Staff has talked with the applicant about these concerns. The applicant has verified that he would always accompany any potential purchaser of one of his used vehicles for sale that wanted to drive the vehicle before purchase. He has also indicated that there would be no business activity on the weekends and that all vehicle laws pertaining to safety and parking would be observed.

GENERAL PLAN CONSISTENCY

The Land Use Element of the General Plan states several programs that support the proposed project.

Program 8.2: Use the City's development review procedures to minimize intrusions into existing neighborhoods.

Program 15.2: Promote the location of business services in Pleasanton to support industrial, commercial, and office complexes.

Staff finds that the proposed business meets Program 15.2 in that it will provide a service to residents and the general public. The zoning code conditionally permits a use such as the proposed used automobile sales business when its operation will not be detrimental to the surrounding properties. Additionally, the proposed operation of the business will be consistent with Program 8.2 in that conditions of approval will ensure that the business will be a harmonious and non-intrusive use compatible with the adjacent neighbors.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

A.

That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. One of the purposes of the C-S zoning district is to provide sites for businesses that typically are not found in shopping centers, that usually have relatively large sites providing off-street parking, and that attract little or no pedestrian traffic.

Staff believes that the proposed use as conditioned would be consistent with the Zoning Ordinance objectives in that it would provide residents and the general public with a location to purchase used vehicles accessorized with parts/detailing from the existing business without having to go to a separate location. The site is located in the vicinity of other automobile-related and service uses, and is located on a site where sufficient parking is available for the business. As conditioned, the operation of the business is expected to be compatible with other businesses located on the same site and in the vicinity. Staff believes that this finding may be made.

B.

That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

Conditions of approval require the operation of the business not interfere or result in negative impacts to surrounding businesses and land uses. The operation of the business consists of car sales with limited on-site parking of vehicles, which is not expected to result in parking or noise impacts to neighboring sites. No servicing, washing, or maintenance of vehicles would occur on the site. Further, the conditions of

approval require the applicant to mitigate potential nuisances that may arise with the proposed use. Staff believes that this finding may be made.

C.

That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.

Conditional uses require special consideration so that they may be located properly with respect to the objectives of the Zoning Ordinance. In order to uphold these objectives, the Planning Commission is empowered to grant and to deny applications for use permits for such conditional uses and to impose reasonable conditions upon the granting of use permits. Granting a conditional use permit to the applicant for the subject use would be consistent with the City's ability to regulate zoning as listed in the Pleasanton Municipal Code. Conditions of approval require that the business operate with minimal impact to surrounding businesses and land uses. Should the operation of the business result in negative impacts, the use permit can be modified or revoked. Therefore, staff believes that this finding may be made.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

CONCLUSION

The conditional use permit will allow The Dealership to complement the existing Kar Tunz business at the subject site. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. The proposed use, as conditioned, will be compatible with the surrounding uses and properties and will not result in an impact to nearby businesses.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P14-0696 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case P14-0696 subject to the conditions listed in "Exhibit A."

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